

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED LAM, et al.,

Plaintiff(s),

v.

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendant(s).

No. C 10-4641 PJH

**ORDER RE DECLARATION OF  
FRANK CHEN**

After plaintiff Frank Chen did not appear at a case management conference held on May 29, 2014, the court issued an order directing him to “inform the court in writing within 30 days as to how he plans to proceed with the case.” See Dkt. 78.

On June 30, 2014, Chen filed a declaration informing the court that he was in China taking care of one of his parents, but that he “authorize[d]” plaintiff Alfred Lam to speak for him at the CMC, and that he “jointly agreed with the on-going legal proceedings.” Chen further stated that he agreed with the court’s decision to give the plaintiffs 90 days to find counsel and/or participate in a settlement conference, and while “it might be difficult” for him to attend the settlement conference, he will notify the court if he cannot, and “plaintiff Lam, or counsel shall represent” him. See Dkt. 80.

The court advises Chen that plaintiff Lam will not be able to speak for him or represent him at the settlement conference. Given that the other plaintiffs were given 90 days to seek counsel and participate in the settlement conference, Chen may also have 90 days to seek counsel. If Chen is able to find counsel before the settlement conference, he may request that Magistrate Judge Ryu excuse his personal appearance at the conference and to allow counsel to speak for him. However, if he is unable to find counsel before the settlement conference, he must personally participate in the settlement conference. Any failure to prosecute the action either personally or through counsel will result in a dismissal.

**IT IS SO ORDERED.**

Dated: July 3, 2014

  
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PHYLLIS J. HAMILTON  
United States District Judge